

Appl. No. 09/607,790
Amdt. Dated July 2, 2004
Reply to Office action of February 26, 2004
Attorney Docket No. P12172-US2
EUS/J/P/04-3146

REMARKS/ARGUMENTS

Amendments

The Applicants have amended claims 1, 11, 18 and 27. Claims 1-28 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 103 (a)

Claim 1 is rejected under 35 U.S.C § 103(a) as being unpatentable over Kalmanek, Jr. *et al.* (US 6,324,279 B1, hereinafter Kalmanek) in view of Vilain (US 5,461,669). The Applicant respectfully traverses the rejection of this claim.

The Applicant's present invention discloses a method and system for optimizing call setup by separating call control and bearer control in a Narrowband Integrated Services Digital Network (N-ISDN). As noted in the background of the present invention, in the then existing implementations of N-ISDN, call control and bearer control are integral. However, separation of call control and bearer control by itself is known in the art. What distinguishes the Applicant's invention is the means by which a control node determines the best path for the payload transmission. In the present invention, a control node selects a media gateway (MGW) according to a call origin, the call destination or the service required (voice, fax, etc). (Page 5, lines 9-16). Depending on the call case, originating call, terminating call, internal call or transit call, there are only one or maximally two MGWs necessary. The MGW also performs announcement generation, tone generation, echo cancellation, modem handling for data calls, frame handling and CODEC handling for speech calls.

The Applicant respectfully directs the Examiner's attention to amended Independent claim 1.

1. (Currently Amended) A method of setting up a call in a wireless communication network comprising:
receiving a service request for a call in the wireless communication network wherein the network is a Narrowband Integrated Services Digital Network (N-ISDN) and call control and bearer control are separated, the call being intended for a select destination:

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selecting at least one media gateway to switch a user plane for handling the call wherein selection is made depending on one of origin of the call, destination of the call and required service of the call;

reserving a logical point in said at least one media gateway and communicating with the media gateway to setup bearer control for the call. (emphasis added)

The Applicant respectfully asserts that Kalmanek and Vilain, individually or in combination, do not teach or suggest all of the subject matter of claim 1.

Kalmanek appears to disclose the use of two phases of signaling; i.e., for sending messages for setting up a call and messages for connecting a call (Col. 12, lines 39-48). The separation disclosed in Kalmanek seems to be a timing separation. In effect the terms "two phases" is literally one phase of signaling followed by a second phase of signaling. The messages for setting up the call are exchanged in one phase and the messages for connecting the call are exchanged in a separate and distinct second phase. Kalmanek does not teach or suggest the limitation regarding the selection criteria of the MGW and does not disclose the type of network that the Applicant's invention is directed at, that of the N-ISDN type network.

The Vilain reference appears to disclose a network in which call control and connection control is separated utilizing control points in switching nodes. The difference is relevant because the benefit of the invention is that the call signaling may take a different route than the payload later on. This is not possible with the nodes disclosed by Vilain. Though Vilain also discloses separation of call control and bearer control as related to N-ISDN networks, Vilain does not teach or suggest the limitation regarding the selection criteria of the MGW.

What is unique to applicant's invention, and what is not suggested in the references, is that the selection of the media gateway for handling the call is based on certain characteristics of the call to be transmitted. As disclosed in the application, the MGW is selected according to the call origin, the call destination or the call requirements. (Page 5, lines 9-15). Additionally some call additional information for determining the MGW may be used according to the invoked service, the coding of the payload or framing of the call.

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The Applicant respectfully requests the withdrawal of the rejection of claim 1 for at least the reasons provided above with respect to claim 1.

Claims 2 and 12 are rejected under 35 U.S.C § 103(a) as being unpatentable over Kalmanek in view of Vilain and further in view of Valentine *et al* (US 6,353,607 B1, hereinafter Valentine). The Applicant respectfully asserts that claim 2 contains the limitations of claim 1, all of which are not found in the cited references either individually or in combination. Withdrawal of the rejection of claim 2 is respectfully requested.

Claim 12 depends from claim 11. As between amended claim 1 and the Kalmanek, Vilain and Valentine references, the Applicant submits that independent claim 11 contains limitations analogous to those found in claim 1. For the above given reasons the Applicant respectfully submits that claim 12 contains the same limitations and the withdrawal of the rejection of claim 12 is respectfully requested.

Claims 3-10 are rejected under 35 U.S.C § 103(a) as being unpatentable over Kalmanek in view of Vilain and further in view of Rautiola *et al* (US 5,956,331 hereinafter Rautiola). The Applicant respectfully asserts that claims 3-10 contain the limitations of claim 1, all of which are not found in the cited references either individually or in combination. Withdrawal of the rejection of this claim is respectfully requested.

Claims 11 and 16 are rejected under 35 U.S.C § 103(a) as being unpatentable over Kalmanek in view of Jouppila *et al*. (US 6,208,633 B1, hereinafter Jouppila) and further in view of Rautiola. The Applicant respectfully traverses the rejection of these claims.

Jouppila is cited for teaching separation of call and bearer control and utilizing a MGW for handling a call. Rautiola is cited for choosing a single gateway according to the speed capacity of the gateway. Though Rautiola chooses a gateway based on speed capacity it is respectfully submitted that neither Jouppila nor Rautiola address the above-identified deficiencies of Kalmanek with respect to Applicant's Invention. The combination of the Jouppila and Rautiola references fails to teach utilizing call origin,

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call destination or required service of the call. As between amended claim 1 and the Kalmanek, Jouppila and Rautiola references, the Applicant submits that independent claim 11 contains limitations analogous to those found in claim 1. Claim 16 depends from claim 11 and contains the same limitations. The Applicant respectfully requests the withdrawal of the rejection of these claims.

Claims 13-15 are rejected under 35 U.S.C § 103(a) as being unpatentable over Kalmanek in view of Jouppila, Rautiola and further in view of Joensuu *et al.* (US 5,878,347, hereinafter Joensuu). The Applicant respectfully asserts that claims 13-15 contain the limitations of claim 11, all of which are not found in the cited references either individually or in combination. Withdrawal of the rejection of this claim is respectfully requested.

Claim 17 is rejected under 35 U.S.C § 103(a) as being unpatentable over Kalmanek in view of Jouppila, Rautiola and further in view of Valentine *et al* (US 6,219,546, hereinafter Valentine '546). The Applicant respectfully asserts that claim 17 contains the limitations of claim 11, all of which are not found in the cited references either individually or in combination. Withdrawal of the rejection of this claim is respectfully requested.

Claim 18 is rejected under 35 U.S.C § 103(a) as being unpatentable over Kalmanek in view of Jouppila and further in view of Valentine '546. The Applicant respectfully traverses the rejection of these claims.

Valentine '546 is cited for providing the missing limitation of including plural logical points for connecting plural MGW resources. However Valentine '546 does not provide the limitations missing from Kalmanek and Jouppila, that of selecting the MGW according to the origin of the call, the destination of the call or the required service of the call. The Applicant submits that Kalmanek, Jouppila and Valentine '546, individually or in combination, do not teach or suggest all the limitations of claim 18. The Applicant respectfully requests the withdrawal of the rejection of this claim.

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Claims 19-24 are rejected under 35 U.S.C § 103(a) as being unpatentable over Kalmanek in view of Jouppila, Valentine '546 and further in view of Kung *et al* (US 6,373,817, hereinafter Kung). The Applicant respectfully asserts that claims 19-24 contain the limitations of claim 18, all of which are not found in the cited references either individually or in combination. Withdrawal of the rejection of this claim is respectfully requested.

Claim 25 is rejected under 35 U.S.C § 103(a) as being unpatentable over Kalmanek in view of Jouppila, Valentine '546 and further in view of Graf (US 6,490,284 B1, hereinafter Graf). The Applicant respectfully asserts that claim 25 contains the limitations of claim 18 all of which are not found in the cited references either individually or in combination. Withdrawal of the rejection of this claim is respectfully requested.

Claim 26 is rejected under 35 U.S.C § 103(a) as being unpatentable over Kalmanek in view of Jouppila, Valentine '546 and further in view of Yang *et al* (US 6,198,936 B1, hereinafter Yang). The Applicant respectfully asserts that claim 26 contains the limitations of claim 18, all of which are not found in the cited references either individually or in combination. Withdrawal of the rejection of this claim is respectfully requested.

Claim 27 is rejected under 35 U.S.C § 103(a) as being unpatentable over Kalmanek in view of Jouppila and further in view of Valentine '607. The Applicant respectfully traverses the rejection of this claim.

The Valentine '607 reference is cited for redirecting the IP network address to reduce circuit connections. Valentine '607 does not provide the limitations missing from amended claim 27, those of selecting the MGW according to call origin, call destination or call service requirements. Respectfully, the Applicant submits that the Kalmanek, Jouppila and Valentine '607 references do not teach or suggest the missing limitation found in claim 27.

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Claim 28 is rejected under 35 U.S.C § 103(a) as being unpatentable over Kalmanek in view of Jouppila, Valentine '607 and further in view of Edson (US 6,526,581 B1, hereinafter Edson). The Applicant respectfully asserts that claim 28 contains the limitations of claim 27, all of which are not found in the cited references either individually or in combination. Withdrawal of the rejection of this claim is respectfully requested.

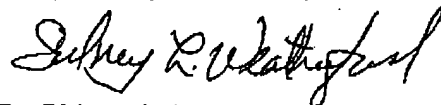
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CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for Claims 1-28.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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